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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,304	11/09/1999	FRANKLIN E. BOYER	UV-112	7797
7590 05/16/2006				
G VICTOR TREYZ FISH AND NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,304

Applicant(s)

BOYER ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is responsive to the Amendment filed on 02/15/2006. Claims 1, 12 and 32 have been amended. Claims 43-45 have been added as new claims. Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-45 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gerace (US 5,848,396).**

4. As to claim 1, Gerace teaches a system and method for providing a user with personalized schedule information for television-related and non-television-related events, comprising:

providing the user with an opportunity to select at least one television-related information source from a plurality of television-related information sources (*i.e., providing the user with an opportunity to select at least one television-related information source from the television table which lists the channel airing the program, start and end times, and other related information such as rating, rerun, etc.*) (Gerace, C10: L9-23);

providing the user with an opportunity to specify first criteria for delivering television program listings from the at least one selected television-related information source (*i.e., users will be able to find local or network television and satellite channel schedules by specifying the "zip code" criteria. Users also have the capability to search for a specific show or film by specifying "show/film name" criteria, search for a specific local or national network/satellite channel by specifying "channel name/number" criteria, to see when and where, i.e., on what channel they are playing*) (Gerace, C22: L43-52);

providing the user with an opportunity to select at least one non-television-related information source from a plurality of non-television-related information sources for providing schedule information for non-televised events (*i.e., providing the user with an opportunity to select at least one non-television-related information source from the film table which lists for each film, cinema where playing, show times, length in time, rating and from the live performance table which includes symphony and theater performance schedules and place/theater*) (Gerace, C10: L9-23);

providing the user with an opportunity to specify second criteria for delivering schedule information from the at least one selected non-television-related information source (*i.e., users will be able to find film schedules by the "zip code" criteria and also have the capability to search for a specific show or film, i.e., search by the "show/film name" criteria to see where and when it is playing, or search by the "theater" to see what they are playing, i.e., to see its schedule information*) (Gerace, C10: L17-22 and C22: L43-52);

providing the user with an opportunity to select a delivery scheme from a plurality of delivery schemes for delivering the personalized schedule information (*i.e., for users who are comfortable giving out their email address, the messages/notices and warnings feature 45 of program 31 will enable users to request to receive messages/notices and warnings for "all data categories" via email or the World Wide Web. Examiner respectfully submits that one of ordinary skill in the art would be appreciate that "all data categories" should include not just only stock quotes, weather, sport, travel schedule, but also other information such as current news, media information as the Media Schedule Page as illustrated in Appendix I, etc.*) (Gerace, C17: L18-52, C21: L23-27 and C26: L40-63), wherein the personalized schedule information includes the television program listings based on the first specified criteria and the schedule information for non-televised events based on the second specified criteria (*i.e., wherein the personalized schedule information is the Media Schedule Page including three*

tables of information - one table for television listings, one for film listings and one for live performance listings as illustrated in Appendix I);

generating the personalized schedule information (*i.e.*, *generating the Media Schedule Page includes three tables of information - one table for television listings, one for film listings and one for live performance listings as illustrated in Appendix I*) (Gerace, C10: L9-23 and C26: L40-63); and

delivering the personalized schedule information to the user based on the delivery scheme selected by the user (*i.e.*, *the Media Schedule Page is delivered to the user as a message for display via email or the World Wide Web*).

5. As to claim 2, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to select at least one desired non-television-related web site (Gerace, C8: L29-32, C10: L32-38 and C14: L24-36).

6. As to claim 4, Gerace teaches the method of claim 1, wherein the plurality of delivery schemes comprises a plurality of delivery schemes selected from the group of delivery schemes consisting of: continuous delivery, e-mail, HTML mail, pager/digital phone reminder, and pager/digital phone notification (*i.e.*, for users who are comfortable giving out their email address, the messages/notices and warnings feature 45 of program 31 will enable users to request to receive messages/notices and warnings for "all data categories" via email or the World Wide Web) (Gerace, C21: L23-27).

7. As to claims 34, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to specify display settings for displaying the personalized schedule information (*i.e., providing the user with display preferences including orientation, colors scheme, design, layout, etc., with respect to the category of information*) (Gerace, C6: L22-45 and C17: L1-8).

8. As to claim 35, Gerace teaches the method of claim 1, further comprising the step of maintaining a history of user preferences based on the information specified by the user (*i.e., maintaining the user profile by holding indications of his categories of interest, including specific items of interest in each category of information, and his display/format preferences* for constantly and automatically tailoring screen views for the user) (Gerace, C17: L1-8).

9. As to claim 36, Gerace teaches the method of claim 35, further comprising the step of providing the user with reminders based on the history of user preferences (Gerace, C17: L38-52).

10. Claims 12-13, 15, 23-24, 26 and 37-42 are corresponding on-line scheduling application system claims of claims 1-2, 4 and 34-36; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (US 5,848,396), in view of Schein et al. (US 6,388,714) hereafter referred as Schein.**

13. As to claim 43, Gerace teaches the method of claim 1, but does not explicitly teach the television program listing further includes at least one video or video still related to one of the television program listings.

In an analogous art, Schein teaches an interactive computer system for providing television schedule information to a viewer and for allowing the viewer to link, search, select and interact with information, wherein as illustrated in Fig. 12A, a sample television schedule system 700 comprising a program area 726 depicts the currently tuned program and a preview window area 728 can be used for all types of promotional, descriptive, or contextual video or graphics, such as a short preview of the show that

is currently being highlighted/selected in show matrix 706 (*including at least one video or video still related to one of the television program listings*) (Schein, C18: 1-12-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Gerace and Schein to include at least one video or video still related to one of the television program listings since such methods were conventionally employed in the art to allow the system to present related information (*such as all types of promotional, descriptive, or contextual video or graphics, such as a short preview of the currently being highlighted/selected show*) to the viewer and/or to advertise programs/products from program sponsors directly or indirectly linked to the particular program/show (Schein, C18: L12-32).

14. Claims 44-45 are corresponding on-line scheduling application system claims of claim 43; therefore, they are rejected under the same rationale.

15. Applicant's arguments as well as request for reconsideration filed on 02/15/2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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